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South Carolina House of Representatives

Legislative Update

Robert J. Sheheen, Speaker of the House

Vol. 10

April 20, 1993

No. 15

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House Week in Review

With last Wednesday, April 14 having introduced bills for consideration this year, much of the House's session time by introduction of bills. 155 bills were introduced on Wednesday alone, and of every 7 bills and resolutions introduced in the House. Under House Rule 5.12, and joint resolutions (except appropriations resolutions approving or disapproving agency) must be introduced no later than date, House bills can be introduced in committee but cannot be placed on the consideration by the full House unless House members present and voting agree. (Bills introduced in the Senate House no later than April 30 in order House Calendar.) To date, over 1,100 have been introduced during the current annual session of the General Assembly sine die in about 6 weeks, on Thursday

On Thursday, the House gave 3rd reading which allows reasonable searches of property of both persons and visitors premises. The bill, however, does not administrators or officials to conduct

On Thursday, the House gave second reading provides that auto insurance rates are the applicant has passed a driver training also prohibits issuance of a driver's license age 17 unless the person completes a driver's

On Wednesday, the House and Senate convened assembly to elect Mr. Robert Rowell to the Public Service Commission from the District. Mr. Rowell currently is mayor

Legislative Update, April 20, 1993

Bills Introduced

The following bills were introduced in the House of Representatives last week. Not all bills introduced in the House are featured here. The bills are arranged according to the committee to which the legislation was referred.

Agriculture, Natural Resources and Environmental Affairs

State Livestock-Poultry Commission (H. 4040, Rep. Riser). This bill creates a State Livestock-Poultry Commission, the purpose of which is to enforce certain provisions pertaining to livestock and poultry. The commission consists of at least 3 members of the Agriculture and Natural Resources Committee of Clemson University's Board of Trustees. The commission may promulgate and enforce reasonable regulations necessary to ensure the continued health and safety of the state's livestock and poultry industries and to carry out responsibilities assigned to it by law. The bill lists provisions concerning the inspection of poultry and livestock and conditions under which these animals may be quarantined. The bill gives the commission members and their assistants, deputies and agents police power in enforcing these provisions and provides for penalties for violations of provisions enforced by the commission.

Education and Public Works

Teaching of Biological Origins Other Than Through Macroevolution (H. 3931, Rep. Fair). Under this bill, school districts may allow the teaching of biological origins other than through macroevolution. The bill defines "macroevolution" as the teaching of biological origins which has as its basic premise naturally occurring life. Textbooks discussing origins may be approved at the local school district level and must be approved by the local school board.

Prohibition Against Teaching New Age Religious and Occult Philosophies (H. 3935, Rep. Fair). This bill prohibits the teaching, use or promotion of occultic practices, tenets or

philosophies in public school classrooms. Examples of occultic practices include but are not limited to: (1) hypnosis or inducing an altered consciousness; (2) techniques which teach that physical reality can be controlled by mind power alone; and (3) the idea that morals are relative. The bill defines "hypnosis", "moral relativity" and "occult" and requires that a public school employee violating these provisions be subject to disciplinary action, as determined by the local school board.

Apprenticeship Programs (H. 3948, Rep. Stuart). This bill authorizes the Department of Education to establish a youth apprenticeship program and promulgate regulations and requirements to implement the program by regulation. Public school students in grades 11 or 12 or who are at least age 16 are allowed to enroll in a youth apprenticeship program, provided the program is offered at their school and is approved for secondary credit by the Department of Education. A student must be granted release time from public school to work as an apprentice for a business for a business enterprise approved by the Department as a qualified employer under the educational apprenticeship program. A pupil must receive credit for the apprenticeship as prescribed by the Department. The bill provides requirements for the Department's certified educational apprenticeship plan and requires the apprenticeship program to include on-site training only in positions certified by the Department of Labor as highly-skilled jobs in business and industry. The bill also lists the timetable for implementing the apprenticeship program and lists state agencies with which the Department must consult in developing the program.

No Registration and Licensing Delinquency Penalties for Certain Vehicles (H. 3964, Rep. Baxley). This bill prohibits a delinquency penalty from being charged to a vehicle owner, if the owner, on or before the required renewal date, turns the vehicle's license plate into the Department of Highways and Public Transportation and later decides to renew the vehicle's registration and licensing.

Penalty of Juvenile Detention for Bringing Weapons to Public Schools (H. 3965, Rep. Baxley). This bill prohibits a public school student from possessing a weapon while on school property or while attending a school-sponsored or school-related activity on or off school property. The bill lists procedure for reporting persons violating these provisions and confiscating their weapons and requires that a student found guilty of this crime be sentenced to a juvenile detention center for at least 30 days. If the court determines that the student was in possession of a weapon while under the custody or control of a parent, then the court may fine the parent or require the parent to perform community service. A student violating these provisions also is subject to disciplinary action as provided by his school board's policy.

Tuition Payment Plan for Higher Education (H. 3971, Rep. Sharpe). This bill requires the State to pay the tuition of students found to be in financial need and who wish to attend as an undergraduate a public institution of higher learning in South Carolina. In order to qualify for this assistance, the student and his parents must meet residency requirements. The student also must have at least a 2.5 GPA, must have completed a core curriculum (as defined in the bill) and must have scored at least 800 on the Scholastic Aptitude Test (SAT) or at least 18 on the American College Test (ACT). Additionally, the student must not have a criminal background. The bill lists conditions under which a student may receive this aid if he meets 2 of the 3 educational requirements of these provisions (for example, if the student completes the core curriculum with a 2.5 GPA but fails to achieve 800 on the SAT). Also listed are requirements a student must meet while enrolled in the public institution so as to continue qualifying for this payment. Financial aid under these provisions is determined in the same manner as tuition grants are awarded by the State's Higher Education Tuition Grant Commission.

The General Assembly is required to appropriate annually to the Commission on Higher Education funds sufficient to meet initial and continuing tuition payments under these provisions. Payments must be made directly to the public institution upon receipt of written notice from the institution that the student is enrolled. If funding is insufficient, tuition payments must be proportionately reduced or eliminated as the Commission determines appropriate.

The bill requires students to apply for all federal grants before receiving state funds. A student who receives a tuition payment under these provisions but who fails to obtain a degree within 6 years of receiving the first payment, or who fails to maintain full-time enrollment standing for an academic year, must repay to the Commission the tuition payments he has received.

These provisions apply with respect to tuition payments due for the Fall 1994 semester or quarter.

Suspension of Driver's License for Bringing Weapons to Public School (H. 3976, Rep. Meacham). This bill prohibits a public school student from possessing a weapon while on school property or while attending a school-sponsored or school-related activity on or off school property. The bill provides for reporting of this violation and confiscation of the weapon. A person violating these provisions is subject to disciplinary action as provided by the policy of his school board, and his driver's license must be suspended until age 21. If the person does not have a driver's license, then he may not obtain one until reaching age 21.

Participation of Home School Students in Interscholastic Activities (H. 3983, Rep. Phillips). This bill allows home school students to participate in interscholastic activities in their school district. In order for the student to be eligible to participate, several conditions must be met: (1) the student's home

schooling program must be in compliance with state law; (2) the student must meet school district eligibility requirements, except those as listed in the bill; and (3) the home-schooling parent-teacher must certify that the student is making academic progress in a manner consistent with academic eligibility standards for students in public schools. A public school student who has been unable to maintain academic eligibility is ineligible to participate in interscholastic activities as a home school student for the duration of the school year in which the student becomes academically ineligible and for the following year. The bill lists procedure by which the student may establish academic eligibility for subsequent school years. A home school student participating in interscholastic activities must reside within the attendance boundaries of the school for which the student participates.

Countywide School Districts (H. 4007, Rep. McKay). This bill requires that each county must contain only 1 school district by July 1, 1994. Multiple school districts remaining in counties as of that date are abolished and merged into 1 countywide school district. These provisions do not, however, prevent a portion of a county from being part of a school district of another county. Assets, liabilities and bonded indebtedness of a school district within a county, when merged into a larger countywide school district, must be transferred to or assumed by the countywide school district in a manner as provided by the General Assembly. Before July of 1994, the General Assembly must provide by law for a board of trustees for each countywide school district, the manner of their election, and the manner in which each district is to be funded, operated and administered.

Conditions Under Which Basic Skills Exam May Be Taken More Than 3 Times (H. 4022, Rep. Byrd). This bill lists conditions under which a basic skills exam, the successful completion of which is required before final entrance into an undergraduate teacher education program at any of the state's colleges and universities, may be taken more than 3 times.

Governor's School for the Humanities (H. 4036, Rep. Wilkins). This bill established the Governor's School for the Arts and Humanities. This school is designed to provide training for exceptional, artistically talented students and to serve as a research and resource center. The school must provide preprofessional and professional instruction in the arts and a strong academic and humanities program which will lead to a high school diploma and college credits. This school is governed by a board of directors not exceeding 15 members. The bill provides for the composition of the board and its terms. The board must appoint an executive director, who serves as the school's chief administrative officer. The bill lists the duties and responsibilities of the executive director.

The bill requires the board to explore renovating or building appropriate facilities for the school. The board also is to

establish and approve the curriculum of study. The bill lists features which must be included in the curriculum and also lists admissions criteria. The board is permitted to adopt rules and regulations necessary for the operations and management of the school and to establish and maintain a foundation for the school.

Completion of Driver Training Course Required to Obtain Beginner's Permit or Restricted License (H. 4038, Rep. A. Young). This bill requires a person to complete a driver training course before he may obtain a beginner's permit or a beginner's special restricted license.

Vacancies on Boards of Trustees of State Colleges and Universities (H. 4054, Rep. M.O. Alexander). Under this bill, when a vacancy occurs on a Board of Trustees of a State College or University for any reason other than the expiration of the term and is unfilled at the beginning of the annual session of the General Assembly, then a joint review committee to consider applicants for the vacancy and others of similar circumstances must be appointed within 6 days after the annual session convenes. The election to fill the vacancy must be held within 6 weeks after the joint review committee is appointed, unless no candidates who have been reviewed by the committee offer for election.

South Carolina Prepaid Postsecondary Education Expense Program (H. 4064, Rep. Rudnick). This bill creates the South Carolina Postsecondary Education Expense Program. The purpose of this program is to provide a medium through which the cost of registration and dormitory residence may be paid in advance of enrollment in a state postsecondary institution, at a rate lower than the projected corresponding cost at the time of the actual enrollment. Students who enroll in a state postsecondary program under these provisions must not be charged any fees in excess of terms delineated in advance payment programs.

To carry out this program, the bill provides for creation of a South Carolina Prepaid Postsecondary Expense Program Board. This board consists of 9 members. The bill provides for selection of board members and requires the board, at a minimum, to construct advance payment plans available for 3 independent plans---(1) Community College plan; (2) University plan; and (3) Dormitory Residence plan---for registration and advance payment contracts for dormitory residences. The bill lists contents which must be included in these contracts and provides for the investment of funds collected through this program. The bill permits the State to discontinue the program if the State determines that the program is financially infeasible.

Progress Reports on Highway Construction or Expansion (H. 4095, Rep. Rudnick). This bill requires the Department of Highways and Public Transportation to publish progress reports for highway construction or expansion projects it has announced publicly. These reports are required for projects costing over \$100,000 and must be

published at least semiannually until the project is completed. The progress report must be published in a paper of general circulation in the county or counties where the project is located.

School Bus License Plates (H. 4096, Rep. Rudnick). This bill prohibits license plates for school buses from containing more than 3 digits or letters, or a combination of 3 digits or letters.

Property Improvements Required at Intersections (H. 4110, Rep. Phillips). Under this bill, if access to a particular property or properties is controlled by a traffic signal, the Department of Highways and Public Transportation may require improvements to be made to the property. These improvements can be required if they are necessary to improve the traffic flow at the intersection controlled by the traffic signal.

Use and Duration of Toll Collections (H. 4111, Rep. Harrell). This bill requires that any toll administered on a project by the Department of Highways and Public Transportation must be used to pay only for the project. Additionally, the toll must be removed once the project is paid for.

Computer Training Program for the Visually Impaired (H. 4117, Rep. Neal). This bill requires the State Board for Technical and Comprehensive Education, in consultation with the South Carolina Commission for the Blind, to establish a computer training program for the visually impaired. The bill provides for curriculum, administration and implementation of the program. The Board, in consultation with the Commission, may establish a charge or fee to enroll in the program, but no person qualifying for the program may be denied admission because of inability to pay.

Judiciary

Withdrawal of Consent or Relinquishment for Adoption (H. 3899, Rep. Thomas). This bill allows a person whose consent or relinquishment is required before a child may be adopted to withdraw consent or relinquishment within 72 hours after consent or relinquishment is signed.

State Required to Defend Government Officers and Employees (H. 3911, Rep. Kirsh). This bill requires the State to defend state government officers and employees acting within their scope of employment and indemnify them from any loss. This applies whether the officers or employees are sued in either their official or individual capacities, or both. Under these provisions, an officer or employee is deemed to be acting within their scope of employment when administering any state statute which has not been held to be unconstitutional or unlawful by a final decision of a court of competent jurisdiction. The bill defines "final decision" as pertains to these provisions.

Second Reading of Bills (H. 3920, Rep. Sheheen). This joint resolution seeks to amend the Constitution so as to allow the House and Senate to provide by each chamber's rules for the second reading of a bill either orally or by distribution of printed copies of the bill to each member.

Circumstances Under Which Abortions Can Be Performed (H. 3926, Rep. Fair). Under this bill, abortions can only be performed in the following situations: (1) to save the mother's life; (2) if the pregnancy is the result of criminal sexual conduct or incest; (3) if continuation of the pregnancy would result in grave damage to the women's health; or (4) to prevent the birth of a child with grave defects. The bill changes the definition of "viability" from 24 weeks to 20 weeks following commencement of pregnancy and provides that abortions performed because of rape or incest must be performed no later than 20 weeks into the pregnancy. The bill also revises the definition of "abortion" and "physician".

Statute of Limitations For Actions Based On Sexual Abuse Or Incest (H. 3927, Rep. Bailey). This bill requires that any action made to recover damages for injury to a person arising out of a sexual abuse act or incest to be commenced either (a) within 10 years after the person becomes 18, or (b) within 4 years from the time of discovery by the person of the injury and the causal relationship between injury and sexual abuse or incest, whichever is later. Parental immunity is not a defense against claims based on sexual abuse or incest which occurred before or after the effective date of these provisions. A person who files an action to recover damages for injury arising out of sexual abuse or incest which was barred for failure to bring the action within the time required by the statute of limitations then in effect has 4 years from the effective date of these provisions to bring an action based on the abuse or incest.

Prohibition Against Sodomy (H. 3938, Rep. Fair). This bill makes it a felony for a person to commit the offenses of sodomy or aggravated sodomy. The bill defines "sodomy" and "aggravated sodomy" and provides that a person convicted of sodomy must be imprisoned up to 5 years, while a person convicted of aggravated sodomy must be imprisoned up to 10 years.

Initiative Petition (H. 3954, Rep. Cromer). This bill is designed to give the state's voters the right to enact laws and constitutional amendments through initiative petition. The provisions of this bill, however, are valid only if beforehand the voters approve a constitutional amendment allowing enactment of laws and constitutional amendments through this procedure.

The bill lists measures which may not be proposed by initiative petition. As examples, measures pertaining to religious practices or reversal of judicial decisions may not be included on initiative petition. No measure relating to more than 1 subject may be proposed by an initiative petition. Anyone wishing to circulate

an initiative petition must first complete an application and file it with the State Election Commission. The bill lists requirements for completing the application, which if met allow the initiative petition to be circulated among registered voters. Upon approval of the application, petition sponsors have 6 months to obtain sufficient signatures so that the proposed law or constitutional amendment may be put on the ballot. A petition must contain the signatures of at least 10 percent of the number of registered voters at the last general election, and the petition must be delivered at least 180 days prior to the next general election so that it may be verified by the Commission. If the Commission finds the petition sufficient, then the proposed law or constitutional amendment must be submitted to the voters at the next general election.

If a majority of voters at the general election approve the proposed law or constitutional amendment, then the measure becomes a law of this state or a part of the State's constitution. No law or constitutional amendment adopted by the voters is subject to gubernatorial veto. A defeated initiative may not be resubmitted to the voters within 4 years following the election in which it was defeated. Anyone who signs the petition (1) more than once; (2) in another's name; or (3) who is not a registered voter; or a person or officer who knowingly violates these provisions is guilty of a misdemeanor and upon conviction must be fined a maximum of \$1,000, jailed a maximum of 90 days, or both.

Waiver of Fee for Expunging Criminal Records (H. 3955, Rep. D. Smith). This bill waives the fee normally required to expunge criminal records if the defendant has successfully completed a pretrial detention program, in cases where the underlying charge is dismissed, not prosecuted, or in cases where the defendant is not guilty.

Definition of Special Purpose District Amended (H. 3957, Rep. Haskins). This bill amends the definition of "special purpose district" so as to state that this type of district does not include a tax district created by a county.

Regulation of Hours for Video Poker (H. 3969, Rep. Sharpe). This bill allows counties and municipalities, by ordinance, to regulate the days and hours that video poker machines may be operated.

Serving of Criminal Process on Sunday (H. 3973, Rep. Stuart). This bill allows a criminal process to be served on Sundays for all crimes, instead of being served only for certain crimes (e.g., treason, felony, breach of the peace, etc.)

Insurance Fraud Bureau (H. 3977, Rep. Meacham). This bill establishes within the South Carolina Department of Insurance an Insurance Fraud Bureau, for the purpose of preventing and investigating fraudulent insurance transactions. The chief

insurance commissioner, subject to approval of the governor, must appoint the bureau's director. The bill provides for other staffing of the Bureau and services it is to provide to report fraud. The bill also lists state agencies whose records may be accessed by the Bureau if access is relevant to an insurance fraud investigation.

The bill requires persons engaged in the insurance business, if they have reason to believe that an insurance transaction may be fraudulent, or having knowledge of a fraudulent insurance transaction, to send to the Bureau information concerning the transaction. This information must be sent within 30 days after determination of a transaction. The bill defines "fraudulent insurance transactions." Upon receipt of this information, and if this information leaves reason to believe there may be insurance fraud, then the Bureau may conduct an investigation. In conducting the investigation, the Bureau may seek information both inside and outside the state, and the Director or his designee may request attendance and testimony of witnesses, along with production of books and records relevant to the investigation. When the director is convinced that an act of insurance fraud has been committed, he must then refer the matter to the Attorney General, Circuit Solicitor or U.S. Attorney.

The bill exempts from civil liability insurers and other persons making statements or reports during an investigation under these provisions. The Bureau is required to file reports with the Speaker, Senate President and the Attorney General concerning the disposition of matters referred to the Bureau, while the Attorney General must file reports with the Speaker, Senate President and the Bureau concerning the disposition of matters the bureau refers to the Attorney General. The Bureau also is to report to insurers the status of matters reported to the bureau, the outcome of investigations and other information.

A person convicted for violating of a law concerning insurance fraud, following the investigation and referral for prosecution by the Bureau, must be ordered to make restitution to the insurer for any financial loss sustained as a result of the violation.

Constitutional Amendment to Allow Riverboat Gambling (H. 3986, Rep. Scott). This joint resolution seeks to amend the Constitution so as to allow the General Assembly to establish riverboat gambling and to require establishment of the South Carolina Gambling Commission to regulate gambling. Under these provisions, the General Assembly may not authorize gambling unless it is state-operated gambling. If the General Assembly approves this joint resolution, it will be submitted as a constitutional amendment to the voters in the November 1994 general election.

Assessments for Boats Qualifying as Homes (H. 3994, Rep. Barber). This pertains to assessment of boats for property tax purposes and provides that a boat qualifying as a home for purposes of a home mortgage interest deduction, as allowed pursuant to the Internal Revenue Code of 1986, must be taxed on an assessment of 6 percent of the fair market value of the boat.

Higher Majorities Required to Pass Tax Increases (H. 3995, Rep. Quinn). This joint resolution seeks to amend the Constitution so as to require additional votes before the General Assembly can pass a bill or joint resolution calling for a tax increase. As proposed by this constitutional amendment, it would require a 2/3 (two-thirds) vote of the entire membership of the House and the Senate to pass a bill or resolution proposing a tax increase, except that if the bill or resolution is vetoed by the governor, the veto of the tax increase could only be overridden by a 3/4 (three-fourths) vote of each chamber. If the General Assembly approves this joint resolution, it would be submitted as a constitutional amendment to the voters at the next general election, in November of 1994.

Central Registry of Information on Persons Convicted of Sex-Related Offenses and Kidnapping (H. 4002, Rep. Rogers). This bill creates a central registry of information on persons convicted of sex-related offenses and kidnapping. The purpose of the registry is to assist in investigating sex-related crimes and in apprehending offenders. The registry is under the direction of the Chief of the State Law Enforcement Division (SLED). The bill provides for the development and operation of the registry under SLED, along with regulations governing the registry. The bill requires the following persons to be registered: (1) an adult or juvenile residing in the state who has been convicted or adjudicated of a sex offense or any lesser included offense; (2) a person residing in the state who has been convicted of a crime upon a child age 16 or under; and (3) an adult or juvenile who has been convicted or adjudicated of kidnapping.

The bill also requires the Department of Corrections, Department of Probation, Parole and Pardon Services, and Department of Youth Services, when an offender is about to be released or is sentenced to probation, to notify the sheriff of the county where the offender will reside. The offender must register with the sheriff upon release and must re-register on an annual basis. If the offender fails to register, he is guilty of a misdemeanor and upon conviction must be fined not more than \$1,000 or jailed not more than 90 days for a first or second offense. If convicted for a third or subsequent offense, the offender must be fined not more than \$1,000 or jailed between 1 year and 3 years. If the offender fails to register after being given notice, he may be charged again with failure to register. The bill defines "notice" (which includes, for example, an arrest or charges of failure to register) and provides that a person registering following arrest does not relieve the offender from failure to register before the filing the original charge. The bill also prohibits the registry from being open to public inspection but lists circumstances under which courts, solicitors and law enforcement agencies may have access to information at the registry.

Crime of Child Endangerment (H. 4003, Rep. Rogers). Under this bill, a person is guilty of child endangerment when, while driving

with a child in a vehicle, the person commits reckless homicide; the person is under the influence of alcohol or drugs; or the person causes great bodily injury or death while under the influence of alcohol or drugs. Upon conviction the person must be fined, imprisoned or both for not less than one-half (1/2) the maximum fine or imprisonment allowed for committing one of the offenses as listed above. For example, if under these provisions the person commits reckless homicide, the penalty for child endangerment must be not less than \$2,500 (one-half of the maximum \$5,000 fine for reckless homicide) or jailed not less than two-and-a-half (2-1/2) years (one-half of the maximum 5 year sentence for committing reckless homicide), or both. The penalty for child endangerment is in addition to any other penalties which may be applied for the offenses listed above. No portion of the penalty for child endangerment may be suspended or revoked, nor may probation be awarded. When a person is arrested for child endangerment, the arresting officer must proceed with emergency protective custody of the child.

Longer Imprisonment for Persons Convicted of Reckless Homicide (H. 4004, Rep. Rogers). This bill increases the maximum sentence which can be imposed on a person convicted of reckless homicide from 5 years to 10 years.

Expanded Definition of Violent Crime (H. 4005, Rep. Rogers). This bill expands the definition of "violent crime" under the State's Codes so as to include the injuring or killing of a person while operating a vehicle under the influence of drugs or alcohol.

Appointment of Judges by Governor and Judicial Retention Elections (H. 4024, Rep. Graham). This joint resolution seeks to amend the Constitution so as to provide that the governor must appoint the members of the Supreme Court and the Court of Appeals, and circuit judges. Appointments made by the governor must be made with the advice and consent of the General Assembly, from a list of nominees supplied by a newly-created Judicial Nominating Commission. The purpose of this Commission is to consider the qualifications and fitness of judicial candidates and assist the governor in selecting qualified persons for positions on these courts and other courts of competent jurisdiction as the General Assembly may provide by law. The joint resolution requires the General Assembly by law to provide for establishment of this Commission, along with its membership and duties. Additionally, after members of the Supreme Court, Court of Appeals and Circuit Court are appointed, retention elections must be held so that the state's voters may determine if these justices and judges should be retained to serve another term. If a majority of voters is against retention, the justice's or judge's term is vacant upon the expiration of his term of office, and the position must then be filled by the governor as posted under these provisions.

If the General Assembly approves this joint resolution, it

must be submitted to the voters as a constitutional amendment in the November 1994 general election.

Judicial Nominating Commission (H. 4025, Rep. Graham). This bill provides for creation of a Judicial Nominating Commission, which must assist the governor in the selection of qualified justices and judges to all judicial vacancies on the Family Court, Circuit Court, Court of Appeals and Supreme Court. These provisions are effective upon ratification of a constitutional amendment (H. 4024, as listed above) authorizing gubernatorial selection of judges and justices and creation of the commission.

The Judicial Nominating Commission consists of 18 members, with 12 members appointed from the General Assembly (6 each from the House and Senate) and 6 members appointed by the governor. The bill lists qualifications which must be met by appointees and provides for their terms. No member of the Commission is eligible for nomination or appointment as a judge or justice of the state court system while serving on the Commission or for 3 years after ceasing to be a Commission member. The General Assembly must provide for staff and operating expenses of the Commission. No Commission member may receive compensation for commission services except for travel, board and lodging expenses incurred in the performance of Commission duties.

The Commission is responsible for determining when judicial vacancies are to occur on these 4 courts and investigating in advance the qualifications of those seeking nomination to the court. Under these provisions, a judicial post is vacant when a new post is created or a judge can no longer serve because of resignation, retirement or other factors. The bill lists which meetings of the Commission are open to the public, the procedure for submitting nominations, and factors the Commission must consider in examining qualifications of nominees. In discharging its duties, the Commission may administer oaths and affirmations, take dispositions and issue subpoenas to compel the attendance of witnesses and the production of record necessary for the investigation of candidates. The bill also lists conditions under which the records of the Commission are confidential.

After consideration of candidates, the Commission must submit to the governor the names of not more than 3 nominees whom the Commission considers best qualified for the post under consideration. If the Commission submits fewer than 3 names, the governor **may** reject the other(s) nominated and request further nominations from the Commission. From the list of nominees the governor **is** to submit one name to the General Assembly for Confirmation. If the General Assembly rejects an appointment, the appointment procedure must be followed again, but if the procedure fails a second time to secure an appointment, the governor must make the appointment from the original list of nominees, without the General Assembly's consent. The bill prohibits a candidate for Family Court, Circuit Court, Court of Appeals or Supreme Court, including a sitting judge, from directly or indirectly campaigning or lobbying the governor until the Commission has submitted its

nominations.

The bill also provides for retention election of judges who seek another term in office. In retention elections, judges must run without party designation. If a majority of those voting in these elections is against retention of a judge or justice, the position is declared vacant and must be filled by appointment as required under these provisions. A judge who loses a retention election is ineligible to succeed himself.

Campaigning at Polling Places (H. 4026, Rep. T.C. Alexander). This bill allows a candidate to appear and greet people in line at a polling place so long as the candidate is not intimidating or interfering with the orderly election process. A candidate or his representative, within 200 feet of the polling place, may wear a label containing the candidate's name and the office he seeks, but if the candidate or his representative (except for a watcher) enters the polling place, he may not display this identification. These provisions do not, however, prohibit a registered voter from wearing a campaign sticker, button, t-shirt or hat while waiting to vote.

Contractor's License Necessary to Bring Action (H. 4029, Rep. Beatty). Under this bill, a person who has failed to obtain a general or mechanical contractor's license, as required by law, may not bring an action either at law or in equity to enforce the provisions of a contract for general or mechanical contracting entered into in violation of the law.

Early Voting in Person (H. 4042, Rep. Cobb-Hunter). This bill allows a registered voter to cast a ballot before an election by voting at the office of his county board of registration, which must serve as the only early voting precinct in the county. The bill requires a registered voter to fill an application in order to vote early in person and requires that the period for early voting begins on the 20th day before election day and continues through the 4th day before election day. In a special runoff election, the period for early voting begins on the 10th day before the election. The bill lists procedures for conducting early voting if these prescribed periods for voting cannot be followed and requires that early voting be conducted on weekdays of the early voting period, during hours the county board of registration is regularly open for business, and on Saturday during hours as established by the State Election Commission. The bill also requires that notice of the time and place for early voting be published in a newspaper of general circulation in the county.

Crime Victims' Bill of Rights (H. 4055, Rep. Rogers). This joint resolution seeks to amend the Constitution so as to create a "Victims' Bill of Rights." The joint resolution lists these rights, examples of which include a victim's right to be protected from intimidation and harm and a victim's right to be heard at all trials and court proceedings at which the accused has the right to

be heard. Victims must be informed of these rights and about the criminal justice process, and a victim's exercise of rights under this amendment cannot be grounds for dismissing any criminal proceeding or setting aside a conviction or sentence. If the General Assembly approves this joint resolution, it will be submitted as a constitutional amendment to the voters in the November 1994 general election.

Creation of State Crime Victim's Advocate (H. 4056, Rep. Rogers). This bill creates a Crime Victim's Advocate of South Carolina (otherwise known as a State Advocate). The state advocate (or advocate) is appointed by the director of the State Office of Victim Assistance (SOVA), with the advice of the South Carolina Advisory Board for Victim Assistance. The advocate must determine the validity of complaints concerning possible violations of the rights of crime victims or witnesses provided in the Victims' and Witnesses' Bill of Rights and the delivery of victims' assistance programs. This also includes victims of juvenile crimes. The bill lists other duties of the advocate and the procedures he may exercise in carrying out his duties. Upon a finding that a complaint is valid, the person or entity which is the subject of the complaint must inform the advocate about the action taken or the reason for not complying with the recommendation. The bill requires SOVA to develop procedures for monitoring actions recommended in cases of noncompliance with the law and to provide any technical assistance and training necessary to help assure future compliance. The bill lists the action the advocate must take when the subject of a complaint refuses to cooperate with the advocate.

Information Pertaining to Arrears of Child Support Payments to be Provided by DSS to Department of Highways (H. 4057, Rep. Davenport). This joint resolution directs the Department of Social Services (DSS) and the Department of Highways and Public Transportation to develop procedures whereby information pertaining to persons in arrears by at least 2 months in court-ordered child support is provided by DSS to the Highway Department. This information must be provided for the purpose of suspending the driver's license of a person in arrears. If a person in arrears by at least 2 months is stopped for a traffic violation or as a result of an accident, or applies for issuance or renewal of a license, the Highway Department, after a hearing, must suspend the person's license. Both DSS and the Highway Department must report to the General Assembly by January 15, 1994 and submit with the report any proposed legislation necessary to implement the joint resolution.

Suspension of Drivers' Licenses and Vehicle Registrations for Those in Arrears in Child Support Payments (H. 4058, Rep. Davenport). This bill requires county clerks of court to provide the Department of Highways and Public Transportation with a bimonthly report of persons who have failed to pay court-ordered child support in an amount equal to at least 2 months' child

support. Upon receiving this information, the Department must suspend the person's driver's license and the registration of any motor vehicle owned by that person. The Department may reinstate the person's license and allow registration of his motor vehicle(s) only if the clerk of court provides notice to the Department that the person is no longer in arrears in child support payments and is in compliance with a judgment or order for child support. If after reinstatement of the person's license and registration of his motor vehicle(s) is allowed, the person fails to pay court-ordered child support in an amount equal to at least 2 months' child support, the Department after receiving this notice from the clerk of court must revoke the person's license and motor vehicle registration.

Removal of Members of State Boards, Councils or Commissions for Unexcused Absences (H. 4065, Rep. Meacham). Under this bill, a member of a state board, council or commission with 3 consecutive unexcused absences from meetings of the board, council or commission is considered removed from his post, and a vacancy is created. An unexcused absence must be defined by the board, council or commission in its operating rule. These provisions do not apply ex-officio member of a board, council or commission, or to his designee.

Definition of Candidate Revised under Ethics Act (H. 4070, Rep. Sheheen). This bill revises the definition of "candidate," as pertains to the State's Ethics, Government Accountability and Campaign Reform Act, so as to include a person on whose behalf write-in votes are solicited.

Municipalities Prohibited from Restricting Assemblies (H. 4076, Rep. Haskins). Under this bill, a municipality may not pass an ordinance or exercise its police powers so as to prohibit the assembly of people for any reason, provided that the assembly does not constitute a breach of the peace and does not block a sidewalk, street or public thoroughfare.

Forfeiture and Confiscation of Motor Vehicles Which Fail to Stop When Signalled by An Officer (H. 4082, Rep. McMahan). This bill requires the forfeiture and confiscation of a motor vehicle driven by a person convicted of failing to stop the vehicle when signalled by a law enforcement officer. Forfeiture and confiscation under these provisions apply only if the motorist is the owner of the vehicle or is a resident of the household of the owner.

Arrearage and Interest Payments for Delinquent Child Support (H. 4092, Rep. Thomas). This bill authorizes the Family Court to require a person who is delinquent in making court-ordered child support payments to pay arrearage and interest on the arrearage, which must be calculated as interest on money decrees and judgments.

Increased Civil Jurisdiction of Magistrates (H. 4093, Rep. Harwell). This bill increases the civil jurisdiction of magistrates from \$2,500 to \$5,000.

Labor, Commerce and Industry

Sale of Tobacco Products (H. 3956, Rep. Law). This bill requires that tobacco products be sold only by use of money, money orders, check or approved debit or credit card. This applies to all sales of tobacco products except sales from a producer or farmer of tobacco to a manufacturer. A person violates these provisions if he issues a check or debit or credit care with insufficient funds available. A person who purchases or sells tobacco products in violation of these provisions must be fined a maximum of \$200 or jailed a maximum of 30 days.

Valuation for Motor Vehicles Totaled in Accidents (H. 4009, Rep. McLeod). Under this bill, in the event of a motor vehicle accident where the motor vehicle is totally damaged beyond repair, and a liability claim is made by the vehicle's owner who was not at fault, the insurer must use the NADA (National Automobile Dealers' Association) book value in determining the damage rendered to the vehicle. This purpose of using this value is to allow the maximum possible value for the vehicle and pay that value to the vehicle's owner. The bill allows the insurer to deduct from the base value of the vehicle, as listed in the NADA book, for excess mileage. The bill defines "excess mileage."

Unlawful Sales or Transfer of Watercraft (H. 4006, Rep. McKay). Under this bill, any dealer who sells or otherwise transfers to a purchaser a watercraft with an outboard motor which has a horsepower in excess of that for which the watercraft is rated is guilty of a misdemeanor. Upon conviction, the person must be fined between \$200 and \$1,000, jailed between 30 days and 1 year, or both.

Verification of Workers' Compensation Coverage (H. 4016, Rep. Keyserling). This bill requires a building inspector to obtain verification of workers' compensation coverage for laborers working on a site being constructed or renovated and for which a building permit is required. This verification must be obtained from the owner or contractor and must indicate the nature and extent of the financial assurance for this liability.

Maximum Finance Charge on Insurance Policies (H. 4028, Rep. Beatty). Under this bill, the finance charge for any insurance policy or contract is limited to the prime interest rate plus 2 percent, except that in no circumstance may the finance charge exceed an interest rate of 15 percent.

Prohibited Use of Credit Reports (H. 4030, Rep. Beatty). This bill prohibits the use of a credit report as a basis for refusing to issue or renew any insurance policy or contract.

Felony for Failing to Pay Wages Due to an Employee (H. 4044, Rep. Cromer). Under this bill, it is a felony, instead of a misdemeanor, if an employer fails to pay wages due to a worker or tries to cheat a worker out of wages due to him. The fine which may be imposed for violation of these provisions increases from a maximum of \$500 to a minimum of \$3,000, while the sentence which may be imposed for this violation increases from a maximum of 90 days to a minimum of 1 year.

Use of Proceeds of Bingo Card Sales for Charitable Purposes (H. 4045, Rep. Richardson). This bill requires that a minimum of 25 percent of the gross proceeds from the sale of Bingo cards and entrance fees be expended for charitable purposes.

Registration Requirements for Real Estate Inspection Companies (H. 4049, Rep. G. Bailey). This bill requires real estate inspection companies to register with the South Carolina Residential Home Builders Commission and furnish the Commission a bond and certificate of liability insurance.

Prohibited Sale of Certain Cigarette Paper (H. 4066, Rep. Govan). This bill prohibits a person from selling or using paper customarily used to make "roll your own cigarettes." Anyone violating these provisions is guilty of a misdemeanor and upon conviction must be fined a maximum of \$200 or imprisoned a maximum of 30 days.

Election of Insurance Commissioner by General Assembly (H. 4099, Rep. Rudnick). This bill requires the chief insurance commissioner to be elected by the General Assembly. The term of the commissioner is set at 4 years and must begin on July 1 of the year when he or she is elected.

Medical, Military, Public and Municipal Affairs

Prohibited Blood Donations (H. 3932, Rep. Fair). This bill prohibits a practicing homosexual or user of illegal intravenous drugs from donating blood while engaged in these practices or activities nor for up to 10 years after these activities or practices cease. A person violating these provisions is guilty of a felony and upon conviction must be fined up to \$10,000 or imprisoned up to 5 years. No part of the sentence can be suspended, and the person may not be paroled until he has served the entire term for which he was sentenced.

HIV Testing For Marriage License Application (H. 3933, Rep. Fair). This bill requires a person applying for a marriage license

to present to the probate judge a certificate that the applicant has been tested for the HIV virus. The certificate must be signed by a licensed physician and by the person the applicant intends to marry. The test must be conducted within 30 days of applying for the license. A probate judge who issues a marriage license in the absence of presentation of a certificate, or an applicant seeking a license or a physician who knowingly and willingly makes a false statement in the certificate is guilty of a misdemeanor. Upon conviction, the person must be fined a maximum of \$200 or imprisoned up to 30 days.

Early Consideration for Pardon (H. 3959, Rep. Baxley). This bill allows an inmate to be considered for a pardon before his parole eligibility date. This consideration is contingent on the inmate producing evidence of a history of domestic violence inflicted upon him, which significantly contributed to the inmate's commission of the offense.

Review of Plans of Care for Individuals in Residential Care Facilities and Community Mental Health Center Day Programs (H. 3966, Rep. P. Harris). Under this bill, review of living conditions of a residential facility, as performed through team advocacy inspections of the State Protection and Advocacy System for the Handicapped, also includes review of plans for care of individuals in a residential care facility and a community mental health center day program.

Parental Notification Required to Dispense Contraceptives to Minors (H. 3972, Rep. Fair). This bill requires that a minor's parents be notified before the minor may be provided contraceptives. The bill also permits a minor to obtain contraceptives through a judicial process and provides that a minor providing written notice signed by a parent, legal guardian or grandparent or who obtains a judicial order may receive contraceptives. A person distributing contraceptives in violation of these provisions is guilty of a misdemeanor and upon conviction must be imprisoned up to 90 days.

Procedures to Join Regional Transportation Authority (H. 3980, Rep. Meacham). This bill lists procedures by which a city or county may join a regional transportation authority created by the states of Georgia or North Carolina which has the ability to plan and/or operate and provide a transportation service in South Carolina as a joint transportation agency.

State Veterans' Cemeteries (H. 3997, Rep. Keegan). This bill authorizes the Department of Veterans' Affairs to establish cemeteries for burial of veterans and their immediate families. The bill provides for acquisition of land for these purposes and requires the Department to maintain and supervise each veterans' cemetery. The bill lists requirements a veteran must meet to qualify for a plot and provides that veterans qualifying for a plot

must be issued one at no charge and must be buried without charge. The bill also authorizes the Department to charge a fee for the burial of immediate family members. The General Assembly, in its annual appropriations act or in a state capital improvement bond, is required to provide funding to the Department for acquisition and construction of these cemeteries.

Deductions from Accounts of Inmates (H. 3999, Rep. Hodges). This bill allows the officer (sheriff, warden or superintendent) in charge of a detention facility to deduct certain costs from an inmate's account. As examples, the officer may deduct from the account costs for public property destroyed by the inmate and costs for medical treatment requested by an inmate. The bill lists conditions under which costs may not be deducted from an inmate's account for medical treatment and provides that all sums collected for medical treatment must be reimbursed to the inmate if he is acquitted or otherwise exonerated of all charges for which he was being held.

Income Supplements for Residents of Licensed Residential Care Facilities (H. 4012, Rep. Farr). This joint resolution directs the Department of Social Services to supplement the income of individuals who reside in licensed residential care facilities which have an approved optional supplement request with the Department. These supplements must be derived from funds appropriated to the Department for general assistance. The bill lists conditions under which individuals in these facilities may receive this supplemental income.

Health Certificate Required for Marriage License (H. 4017, Rep. Keyserling). This bill prohibits, with limited exceptions, issuance of a marriage license unless the applicant submits a health certificate showing that he has no evidence of a sexually-transmitted disease. This certificate must be signed by a physician within 30 days of the applicant's submission of application for the license. The bill lists exceptions; for example, an applicant with a sexually-transmitted disease may be issued a license if he is in a stage of the disease that is not communicable to the marital partner and signs an agreement to take adequate treatment until cured or probated.

Administration of Drug Tests to Newborns and Mothers (H. 4032, Rep. Wilkins). This bill requires drug tests to be administered to each newborn infant and mother. If a test result is positive, the physician must report this result to the local Department of Social Services office (DSS) or local law enforcement agency. The bill provides civil and criminal immunity for reports provided in good faith and which result in a judicial proceeding. Under this bill, a newborn infant testing positive for drugs is defined as an "abused child," except in limited circumstances. A law enforcement agency, DSS, or the Family Court then is authorized to take action on an abused or neglected infant. The bill lists actions DSS must

take upon receipt of a report which indicates a newborn infant has tested positive for drugs. The bill also provides penalties for mothers who abuse their infants under these provisions, with greater penalties for subsequent violations. A person convicted a third time for abusing her infant, for instance, must be imprisoned between 3 years and 10 years and submit to a birth control procedure such as Norplant.

The bill also prohibits a person from taking a controlled substance, except if with a valid prescription or under supervision of a medical professional, while pregnant, and a person committing this act is guilty of a misdemeanor. Upon conviction, the person must be punished at the discretion of the Circuit Court. The bill requires a physician or his allied health professional providing obstetrical or gynecological care to a pregnant patient to counsel her on the prenatal effects of smoking, alcohol use and controlled substance use, along with other risk factors which appear to be present in the patient's life. The Department of Health and Environmental Control (DHEC) must develop and provide educational programs and materials to health care providers and hospitals providing services for pregnant women. These materials must list the effects of smoking, alcohol and controlled substances on pregnancy and fetal outcome and also list services available for addicted or substance-abusing women and families. No facility or service providing diagnostic treatment or rehabilitative services related to abuse of alcohol or other drugs may refuse to provide these services because a woman is pregnant, and pregnant women must be given priority access to these services.

The bill also requires school districts to develop and include in their drug and alcohol education programs age appropriate drug education curricula pertaining to the effects and problems before and after birth caused by cigarette, alcohol and controlled substance use. Additionally, local school boards, when offering a program of instruction in reproductive health education or substance use or abuse, must include instruction concerning the effects of the use and abuse of cigarettes, alcohol and controlled substances on persons of reproductive age, pregnant women and unborn children.

Licensing of Electrologists (H. 4047, Rep. D. Wilder). This bill creates a State Board of Electrologists, for the purpose of licensing and regulating electrologists. This board consists of 5 members, appointed by the governor with the advice and consent of the Senate. The bill provides for qualifications and terms of board members and also lists provisions pertaining to board meetings, compensation and staff to assist the board. The bill lists the duties and powers of the board and requires an individual seeking to practice electrology or teach an electrology education program to be licensed by the board. The bill lists requirements an applicant must meet in order to qualify for a license and lists conditions under which the board may deny a license to an applicant, reprimand a licensee, place a licensee on probation, or revoke a license. If after a hearing the board finds that there are

grounds to suspend or revoke a license, the board may impose a penalty of up to \$6,000 instead of suspending the license or in addition to suspending or revoking the license.

The bill also requires that an electrology education program first be approved by the board before the program may operate. The bill lists conditions under which the board must approve an electrology education program and conditions under which the board may remove an institution from a list of institutions that offer approved electrology education programs. A person who violates any of these provisions is guilty of a misdemeanor and upon conviction must be fined not more than \$1,000, imprisoned not more than 6 months, or both.

Charges for Copies of Medical Records (H. 4077, Rep. Haskins). This bill prohibits a physician from charging more than \$1 a page or a total of \$10, whichever is greater, for a copy of a patient's medical records.

Ways and Means

Applicability of Sales and Use Tax to Telecommunications and Information Services (H. 3905, Rep. Kirsh). This bill defines "telecommunications" and "information services" as pertains to the state's sales and use tax and lists conditions under which these services are subject to the tax.

Retirement Income Tax Deduction (H. 3906, Rep. Kirsh). This bill amends current state law so as to provide that for purposes of the state's income tax, the retirement income deduction is \$3,000 until age 65, at which time the deduction is the first \$10,000 in income.

Temporary Suspension of Administration and Enforcement of a Tax Statute (H. 3908, Rep. Kirsh). Under this bill, if the State Tax Commission determines there is material doubt as to the constitutionality or legality of a tax statute, or a statute affecting the Commission's ability to administer and enforce tax laws, the Commission may file a declaratory judgment action with the Supreme Court. This action may be filed after advising the Budget and Control Board, and the Court must review the statute's constitutionality, legality or both. If an exemption, exclusion, deduction or credit is determined to be unconstitutional or illegal, then it is the legislative intent of the General Assembly, unless the imposition statute of the tax provides otherwise, that the tax be upheld and the exemption, exclusion, deduction or credit be declared void.

The bill provides for suspension of statutes of limitations for assessment, collection, and claims and suits for refund between the date the action is filed until 90 days after the final decision in the case. If the statute imposes a tax, a taxpayer is not required to pay the tax while the statute is before the Court and

is provided a grace period to pay the tax if it is upheld by the court. A taxpayer may continue to claim an exemption, exclusion, deduction or credit while the statute is under review and is provided a grace period to pay the tax if the statute is declared unconstitutional or illegal. The bill also lists remedies by which a taxpayer who pays a tax which under these provisions is declared unconstitutional or illegal may obtain a refund.

Internal Revenue Code (H. 3909, Rep. Kirsh). This bill changes the reference date of the "Internal Revenue Code", for purposes of the State Income Tax Act, from December 31, 1991 to December 31, 1992.

Distribution of Local Sales and Use Tax (H. 3910, Rep. Kirsh). This bill pertains to revenue generated in a county area which is set aside and allocated to the County/Municipal Fund and requires that money allocated to the Fund be distributed to counties and municipalities in the county area based solely on population. Currently the distribution is based equally on the location of sale and population.

Recodification of State Tax Laws (H. 3914, Rep. Kirsh). This bill revises, reorganizes and recodifies state tax laws which impose the individual and corporate income tax, provide for the withholding of income taxes, and impose the corporate license tax.

Property Tax Exemption for Nonprofit Housing Corporations (H. 3922, Rep. Sheheen). This bill extends the property tax exemption allowed certain nonprofit housing corporations so as to include all property of nonprofit housing corporations devoted exclusively to providing below-cost supporting housing for elderly persons or households or for persons with disabilities.

Increase in Homestead Exemption (H. 3963, Rep. Baxley). This bill increases the homestead exemption from \$20,000 to \$25,000 and allows a county governing body, by ordinance, to approve an additional homestead exemption for property entitled to the exemption. This additional exemption must not exceed \$5,000 and may not take effect until the governing body of every municipality located in whole or in part of the county also, by ordinance, approves the exemption. This additional exemption may be rescinded or its amount changed by ordinance. The State will not, however, reimburse counties for property tax revenue lost because of the additional exemption.

Property Tax Study (H. 3979, Rep. Quinn). This joint resolution creates a joint property tax study task force for the purpose of studying Act 208 of 1975 (pertaining to classification and assessment of property for property tax purposes) and related subsequent legislation in order to determine the equity and effectiveness and fairness of the state's property tax assessment and collection system. The bill provides for the composition and

expenses of the task force and requires the study to embody all phases of the property tax system. The study also must take into account other factors which impact upon the system. The study must take into account the perspective of both the taxpayers and the local entities which impose the tax. The task force will report the findings of the study, along with any recommendations for legislative action, to the General Assembly.

Prohibition Against Using State Funds to Pay for Abortions (H. 3981, Rep. Fair). This bill prohibits the use of state funds to pay for abortions.

Sales Tax Exemption for Property Sold to Charitable Hospitals (H. 3984, Rep. McAbee). This bill provides a sales tax exemption for tangible personal property sold to charitable hospitals, if the hospital meets the following requirements: (1) It predominantly serves children; (2) it is exempt from property taxes; and (3) it provides care without charge to the patient.

Retirement of Magistrates (H. 4001, Rep. Hodges). This bill requires magistrates to retire at age 70, as is required of other state employees.

Eligibility for Coverage under State Health and Dental Plans (H. 4020, Rep. R. Young). This bill allows employees and retirees of any special purpose or public service district, and their dependents, to be eligible for coverage under the state's health and dental plans.

Appraisal as Residential Real Property (2 identical bills were introduced for this purpose---H. 4039, sponsored by Rep. Inabinett, and H. 4104, sponsored by Rep. Rudnick.) Both H. 4039 and H. 4104 require that residential real property receiving a 4 percent assessment ratio in any reassessment program and which remains eligible for that assessment ratio for the year of assessment must be appraised as residential real property.

Athletic Coaches Exempt from State Employee Grievance Procedure (H. 4059, Rep. Felder). Under this bill, the state's employee grievance procedure does not apply to athletic coaches and unclassified employees of public post-secondary educational institutions, except for technical education colleges and centers.

Income Tax Checkoff for Schools (H. 4062, Rep. Gamble). This bill allows a taxpayer required to file a state income tax return to designate on the tax form a contribution for school building purposes in his school district. The contribution may not increase or decrease the person's income tax liability, so the contribution must be made by reducing the taxpayer's income tax refund or by accepting additional payment from the taxpayer, by amounts designated. Contributions collected by the State Tax Commission

must be transferred to each respective school district at the earliest possible time.

School Property Tax Relief Sales Tax (H. 4089, Rep. Sturkie). This bill adds 1 percent to the state sales and use tax so as to lessen the school tax liability of taxpayers. Revenue from the tax must be credited to a separate fund in the State Treasury entitled the School Property Tax Relief Fund. Revenues from the fund must be distributed quarterly to the school districts of the State through a formula as provided in the bill. The bill also provides a tax credit for property subject to school tax liability. The bill also removes the \$300 sales tax cap for motor vehicles which are sold or leased and repeals all sales tax exemptions except for prescription drugs and constitutionally-mandated exemptions. The bill also adds an exemption for food which may be purchased with USDA (United States Department of Agriculture) food stamps.

Additional Contributions to State Retirement Systems (H. 4091, Rep. Neilson). This bill allows a member of any of the state's retirement systems to elect to make an additional contribution to the member's system equal to 4 percent of earnable contribution. Once made, this election is irrevocable, and the contribution must be made in the same manner and under the same conditions and terms as required contributions. The bill provides for a period to make this additional contribution and requires that upon the retirement of the member making the additional contribution, the Budget and Control Board must increase the member's retirement benefit on an actuarial basis.

Higher Cigarette Tax (H. 4118, Rep. Neal). This bill increases from 3.5 mills to 10 mills (or 1 penny) the tax imposed on each cigarette sold. This increase must be used to supplement Medicaid funding and may not be used to replace other funds used for Medicaid.

Medicaid Reimbursements (H. 4119, Rep. Neal). This bill requires that Medicaid reimbursements in South Carolina must be in an amount no less than the Southeastern average for these payments.

Other Bills Introduced Last Week

Last week a number of "skeleton bills" were introduced in the House to meet the April 14 deadline for placement of bills on the House calendar. Here is a list of the "skeleton bills" and the committees to which they were referred:

H. 3961 (introduced by Rep. McLeod), deletes certain provisions pertaining to the State's Workers' Compensation Fund and provides a different manner of appointment for the Fund's director. This bill has been referred to the Labor, Commerce and Industry (LCI) Committee.

H. 3962 (introduced by Rep. Scott), authorizes riverboat gambling in South Carolina. This bill has been referred to the Judiciary Committee.

H. 3967 (introduced by Rep. Kirsh), repeals current provisions pertaining to regulation of Bingo and adds provisions to regulate Bingo. This bill has been referred to the Ways and Means Committee.

H. 3978 (introduced by Rep. Harrell), revises provisions pertaining to the South Carolina Real Estate Appraiser, Registration, License and Certification Act. This has been referred to the LCI Committee.

H. 3982 (introduced by Rep. Phillips), repeals the State's Underground Utility Damage Prevention Act and replaces the act with the "One-Call Underground Damage Prevention Act." This has been referred to the Medical, Military, Public and Municipal Affairs ("3M") Committee.

H. 3991 (introduced by Rep. Wells), establishes the Securities Simplification and Modernization Act of 1993. This legislation has been referred to the LCI Committee.

H. 4014 (introduced by Rep. Sharpe), establishes the South Carolina Public Defender Office. This bill has been referred to the Judiciary Committee.

H. 4018 (introduced by Rep. Keyserling), revises permitted uses of certain preserves under the Heritage Trust Program. This bill has been referred to the LCI Committee.

H. 4035 (introduced by Rep. McLeod), provides for credits on workers' compensation insurance for employers who implement certain safety measures. This legislation has been referred to the LCI Committee.

H. 4046 (introduced by Rep. Fair), provides for the purchase and sale of small group health insurance and provides for the regulation of insurers and employers in this area. This legislation has been referred to the LCI Committee.

H. 4067 (introduced by Rep. White), revises permit and trawling restrictions for crab trawling. This legislation has been referred to the Agriculture, Natural Resources and Environmental Affairs Committee.

H. 4087 (introduced by Rep. Fulmer), revises the composition of the Commission of the Department of Highways and Public Transportation, along with the Commission's powers and duties, and also revises the structure of the Department. This bill has been referred to the Education and Public Works Committee.

H. 4114 (introduced by Rep. Neal), establishes the Environmental Rights Act of 1993. This bill has been referred to the Agriculture, Natural Resources and Environmental Affairs Committee.

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